

Serial No.: 10/672,621

Attorney Docket No.: 2003P8212US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-14 and 16 are pending. Claim 15 has been canceled. Claims 1, 4, 7, 12, 13, 14, and 16 have been amended to more particularly point out Applicants' invention.

Claims 1-3, 7-11, 13 and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by Murray, U.S. Patent No. 6,484,033 ("Murray"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray.

As discussed in the Specification, aspects of the present invention relate to a presence and availability system in which location and speed of a user device are taken into account via a one or more presence rules when determining the availability or presence status of the user. The presence status and availability may then be transmitted to registered or authorized users. In certain embodiments, a hysteresis may be provided such that a momentary change in user speed or position does not result in continuous toggling of status or context "updates."

Thus, claim 1 has been amended to recite "wherein said speed is correlated with a hysteresis threshold to prevent a change in a context status based on momentary change in speed; and wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change in position;" claim 7 has been amended to recite "wherein said position-presence correlation rules include one or more hysteresis thresholds to prevent changes in status based on a momentary change of rule status;" and claim 13 has been amended to recite "wherein said speed is correlated with a hysteresis threshold to prevent a change in a context status based on momentary change in speed."

As acknowledged in the Official Action, Murray does not provide for a hysteresis threshold. As such, the Examiner is respectfully requested to reconsider and withdraw

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the rejection.

Claims 4-6 12, 15, and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Coffee et al., U.S. patent No. 6,892,131 ("Coffee"). Applicants respectfully submit that the present invention is not taught, suggested, or implied by Murray or Coffee, either singly or in combination. In particular, the dependent claims depend from claims amended as set forth above. Claim 12 has been amended to recite "wherein said cellular telephone controller is adapted to transmit a position update upon said change of speed if said change of speed is correlated with a predefined position-presence correlation rule with a hysteresis threshold so as to prevent a change in a context status based on momentary change in speed;" Claim 16 has likewise been amended to recite "to prevent a change in a context status based on momentary change in predetermined status."

As acknowledged in the Official Action, Murray does not relate to hysteresis threshold. Instead, Coffee is relied upon to provide such teaching. Coffee, however, relates to a vehicular fleet management system and does not appear to relate, inter alia, to a speed-based hysteresis for reporting context changes, as generally recited in the claims at issue. While hysteresis of some sort appears to be applied to a zone boundary crossing (Col. 79, lines 43-45), Coffee does not provide for user and device presence context updates, or hysteresis related to device speed.

Further, as discussed in response to the previous Official Action, Murray does not appear to relate to a presence system of the type claimed. Rather than multiple registered users being able to obtain presence information via registering a watcher list, in Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. Status, however, is not distributed among multiple users as in a presence system, as generally recited in the claims at issue.

Because the references, when combined, do not provide for presence and hysteresis (particularly on presence status updates), the Examiner is respectfully

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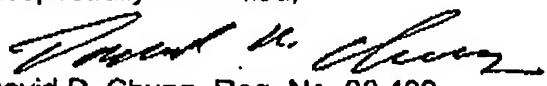
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requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

PLEASE MAIL CORRESPONDENCE TO: Respectfully submitted,

Siemens Corporation  
Customer No. 28524  
Attn: Elsa Keller, Legal Administrator  
170 Wood Avenue South  
Iselin, NJ 08830

  
David D. Chung, Reg. No. 38,409  
Attorney(s) for Applicant(s)  
Telephone: 650-694-5339  
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